

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:09-cv-504-W**

FIFTH THIRD BANK,

Plaintiff,

vs.

**BARRY K. BROWN and SANDRA D.
BROWN,**

Defendants.

ORDER

THIS MATTER comes now before the Court upon Plaintiff's Motion to Join Parties and Motion to Remand (Doc. No. 8). Having considered the motions, the pleadings, and Defendants' filing consenting to remand (Doc. No. 13), the Motion to Remand is GRANTED, and this matter is REMANDED to the Superior Court of Mecklenburg County.

Since the Court is remanding this case, the Motion to Join Parties is more appropriately directed to the state Superior Court. Accordingly, the Motion to Join Parties is DENIED AS MOOT without prejudice to be re-filed in state Superior Court.

IT IS SO ORDERED.

Signed: March 18, 2010



Frank D. Whitney
United States District Judge

